

## **REMARKS**

### *Interview Summary*

On September 26, 2007, the undersigned counsel and Examiner discussed the nature and scope of Examiner's pending rejections of the present claims. Specifically, in his April 25, 2007 Office Action, Examiner relied on the Ramamurthy reference (U.S. Patent No. 6,304,551) to reject claims 1, 3-7, 9-16, and 18-20 under 35 U.S.C. Section 102(e) and claim 21 under 35 U.S.C. Section 103(a) in view of Baker (U.S. Patent No. 6,519,259). In the interview, the following issues were discussed and considered:

1. The Ramamurthy reference is directed toward a fundamentally different problem, as compared to Applicant's invention. The Ramamurthy reference focuses on proactively shaping data streams based upon certain quality of service parameters. Applicant's invention, on the other hand, focuses on handling jitter, experienced by data packets in the course of actual data transmission.
2. Differences with the Ramamurthy can be better highlighted by a) clarifying where, in a media transmission system, applicant's invention is implemented, b) noting the initial measurement of actual delay experienced by data packets in transmission, and c) noting the relationship between the playout delay buffer and delay evaluator.

Counsel agreed to submit amended claims, with these issues in mind, for Examiner's consideration.

### *Claim Amendments*

In accordance with the interview, Applicant has amended its claims to reflect the following:

1. The claimed embodiments of Applicant's invention operate at, or comprise, a receiver. This amendment clarifies that Applicant's invention is reacting to jitter experienced by the data packets in actual transmission, not proactively shaping a stream for transmission.
2. The claimed embodiments have a counter, or an initial delay measurement step, from which the delay data is obtained, and then used to calculate the requisite buffer delays.
3. Where applicable (claims 1-6), the playout delay buffer receives the playout time from the playout delay evaluator.

Applicant has also clarified that the basis of the calculated means and variances is data indicative of a packet delay histogram, not necessarily a graphical representation of a histogram. Further, Applicant has canceled claims 15-22 directed toward a media processing system that incorporates the novel elements of the present invention. Applicant asserts that the media processing embodiments of the present application are patentably distinct and different inventions and, accordingly, will be pursuing them in a separate divisional application.